

In the Iowa Supreme Court

CLERK SUPREME COURT

Amendments to Iowa
Court Rules on
Professional Regulation

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Order

The court requested public comment on a proposal to recompile and amend chapters 34, 35, and 36 in Division III (Professional Regulation) of the Iowa Court Rules.

The court appreciates receiving feedback on the proposed amendments. Based on careful consideration of the proposed recompilation and the comments received:

- The court adopts the proposed recompilation of chapters 34, 35, and 36 of the Iowa Court Rules. The previous chapters are stricken and replaced with the new chapters.
- The court reserves for further consideration, and does not currently adopt, the proposed rule 34.11 that would explicitly exempt disciplinary proceedings from all statutes of limitation.
- The court adopts the proposed rule 34.9 regarding prospective and retrospective application of chapters 34, 35, and 36. These chapters are procedural, and do not establish standards for attorney conduct. In attorney discipline matters, the court applies the standards of conduct in effect at the time of the conduct at issue. In contrast, the court traditionally has applied the provisions of the proposed rule 34.9 to changes in disciplinary procedure, as it appears in the current rule 35.26 and its predecessor provisions. *Iowa Sup. Ct. Att'y Disciplinary Bd. v. K.G.T.*, 722 N.W.2d 787 (Iowa 2006); *Iowa Sup. Ct. Bd. of Prof'l Ethics & Conduct v. D.J.I.*, 545 N.W.2d 866 (Iowa 1996).

The court also modifies proposed rule 36.16 to fully incorporate guidance regarding the required content and the effect of stipulated submissions.

As adopted, the amendments:

- Consolidate rules governing procedure before the Attorney Disciplinary Board in chapter 35.
- Consolidate rules governing procedure before the Grievance

Commission in chapter 36.

- Consolidate general administrative provisions, such as rules creating the disciplinary board and the grievance commission, in chapter 34. Other rules of a general nature, such as jurisdiction and actions not based on proceedings before the commission also are consolidated in chapter 34.
- Incorporate existing court policy prohibiting Attorney Disciplinary Board advisory opinions.
- Add a provision based on the ABA model rules to clarify when the conduct of former judges is subject to the jurisdiction of the board and the commission.
- Expand a provision for public release of a commission recommendation of public discipline upon filing with the clerk of the supreme court to make clear that equivalent commission recommendations regarding respondents not licensed in Iowa are public upon filing with the clerk as well.
- Amend the discovery rule to selectively incorporate changes in the discovery rules for civil cases adopted effective January 1, 2015, but still generally reflect current discovery practice before the commission.

The court adopts the amendments to chapters 34, 35, and 36 in Division III of the Iowa Court Rules, as provided with this order, and strikes the previous versions of the chapters.

These amendments will be effective April 1, 2016.

Dated this 26th day of January, 2016.

The Iowa Supreme Court

By Mark S. Cady
Mark S. Cady, Chief Justice